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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/426,920 04/21/95 MOURA E 1572

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26M1/0403

EXAMINER

HOM, S

ART UNIT

PAPER NUMBER

2603 5

DATE MAILED:

04/03/96

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

A shortened statutory period for response to this action
is set to expire three months(s), or thirty days,
whichever is longer, from the date of this communication.

Office Action Summary

Application No.

08/426,920

Applicant(s)

Moura et al.

Examiner

Shick Horn

Group Art Unit

2603



☒ Responsive to communication(s) filed on Jan 18, 1996

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-25 is/are pending in the application.

Of the above, claim(s) 7-14, 16, 18, and 21-23 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-6, 15, 17, 19, 20, 24, and 25 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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Part III DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 8-28-95 fails to comply with 37 CFR § 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered as to the merits.

 The return copy of form 1449 shows the missing references.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

3. The application is objected to because of alterations which have not been initialed and/or dated as is required by 37 CFR 1.52(c) and 1.56. A properly executed oath or declaration which complies with 37 CFR 1.67(a) and identifies the application by serial number and filing date is required.

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Fig. 7 and claim 1 contain alterations which are not dated.

Claim Objections

4. Although applicant's claims 1-6, 17, and 20 meet the requirement of 112/2d, i.e. the metes and bounds are determinable, the grammar and syntax could be improved. Examples are in claim 1, line 11 which recite "said high speed downstream channel" lacks clear antecedent basis. No high speed downstream channel has been previously recited in the claim and therefore the limitation is not understood. In claim 1, line 16 which recite "a corresponding at least a single client data processor" is confusing, suggest delete "a corresponding". In claim 5, line 2 which recites "a router" is not clear as to whether it is reciting either said downstream router or upstream router of claim 1, lines 5 and 7 or what. In claim 17, line 8-9 which recite "said second transmit queue" lacks clear antecedent basis. No second transmit queue has been previously recited in the claim. In claim 19, line 3-5 which recite transmitting indications and confirming receipt of a first power level indication is not clear as to whether the first power level indication is included in the transmitted indications or what. It is in the best interest of the patent community that applicant, in his/her normal review and/or rewriting of the

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claims, to take into consideration these editorial situations and make changes as necessary.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 17, 19, 20, and 24-25 are rejected under 35 U.S.C. § 102(b) as being anticipated by McMullan, Jr. et al.

McMullan, Jr. et al. disclose all the subject matter claimed. Note column 29, line 39 to col. 30, line 16 which recite the message queue for buffering the data packets for transmission to the system manager and filtering out prior transmission to the system manager by matching address and discarding duplicate data clearly anticipate the step of transmitting data from a transmit queue and the step of eliminating from the queue data which are redundant as in claims 17 and 20. Col. 30, lines 8-16 which recite the step of acknowledging the transmission with an ACK from the system manager clearly anticipate the step of acknowledging transmitted data as in claim 17.

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Col. 46, lines 46-61 which recite the step of transmitting power level calibration data at the initiate calibration time including the step of storing the boundaries for optimum level and determining whether transmission is at optimum level. If the level is too low the low levels are discarded until an ok level is received clearly anticipate the step of transmitting indications at selected different power levels, confirming receipt of power level indication and setting level of transmission with confirmation of receipt as in claim 19.

Col. 15, line 59 to col. 16, line 2 which recite the quality of channels and switching channels due to interferences, i.e. signal to noise ration, clearly anticipate the steps of detecting the quality characteristic of a channel, determining whether it deviates with respect to a norm and switching to another channel if there's sufficient deviation as in claims 24 and 25. Further, col. 49, lines 35-50 which recite the step of calculating the bit error rate during calibration for the purpose of frequency selection by the system manager clearly anticipate the quality characteristics including error frequency.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in

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section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. § 103, the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. § 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. § 102(f) or (g) prior art under 35 U.S.C. § 103.

8. Claims 1-6, and 15 are rejected under 35 U.S.C. § 103 as being unpatentable over Litteral et al. in view of Wheeler et al.

Litteral et al. disclose nearly all the subject matter claimed. Note column 5, line 57 to col. 6, line 30 which recite the system of providing video-on-demand data to subscriber premises using a downstream channel for high speed transmission of information and an upstream channel which operates at a lower speed than the downstream channel clearly anticipate the hybrid access system for connecting a data processor with a network using a high speed downstream channel and an independent upstream

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channel at a lower speed than the downstream channel. Col. 8, line 60 to col. 9, line 12 recite the one-way downstream channel transmitting digitized video signals at 1.544 megabit per second and the low speed data channel of 32 kilobit per second used for transfer of operations, administration, maintenance, and provisioning data which clearly anticipate the hybrid system manager connected to the LAN for verifying authorized user status. Further, Fig. 2 shows the network management system connected to the data packet network which clearly anticipate the system manager connected to the LAN system. Fig. 1 shows the PC, the video display, i.e. TV connected via coax cable, and the telephone as part of the customer equipment which clearly anticipate the client data processor, the telephone network as in claim 2, and cable TV network as in claim 3. Fig. 1 shows the satellite transmission dish for broadcasting at the server site which clearly anticipate the broadcast unit including a satellite transmitter as in claim 6. Fig. 1 shows the multiplexers connected to the customer equipment, which clearly anticipate the remote link adapter connecting the client data processor. Col. 10, lines 47-68 which recite the infrared remote control at the subscriber premises for transmission of command data clearly anticipate the upstream channel including a wireless transmission path as in claim 4.

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Litteral et al. did not teach the downstream and upstream routers connected to the LAN system including the Hybridware TM server.

Wheeler et al. teach that it is known to provide routers including a server as set forth at column 7, line 52 to col. 8, line 2, in the field of telephonic, for the purpose of routing the bit mapped image data of facsimile images over the bus traffic through respective bridges of a distributed system, which clearly anticipate the downstream and upstream routers connected to the LAN system including a server such as the Hybridware TM server.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Litteral et al. by providing the downstream and upstream routers connected to the LAN system including the Hybridware TM server, as taught by Wheeler et al. The motivation being the desirable advantage of using routers and server to provide a virtual local area network for a distributed imaging system in order to achieve low cost access of image data and document in Litteral et al.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Moura et al. disclose a remote link adapter for use in TV broadcast data transmission system.

Gremillet discloses a process for the teledistribution of recorded information and a system for performing this process.

Palazzi, II et al. disclose an interactive terminal for the access of remote database information.

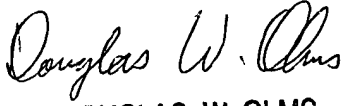
Smith discloses a method to enhance voice communications using encoded one-way video signals under bi-directional user or network control for transmitting stored or real-time video or image information.

Lai et al. disclose a system and method for providing SVC service through an ATM network for frame relay DTES with a terminal adapter.

Baran discloses a wide area fiber and TV cable fast packet cell network.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick Hom whose telephone number is (703) 305-4742.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4750.


DOUGLAS W. OLMS
SUPERVISORY PATENT EXAMINER
ART UNIT 263

SH
March 30, 1996